

Tech Corner Minors and Labor Laws

Minors must have regularly scheduled 30-minute uninterrupted breaks. In addition, there are specific regulations regarding how many hours in a day or week a minor may work. In order to track when a minor needs a break or when a minor hits the maximum hours the minor may work in a day, it is suggested that you set alarms or timers on your smartphone or tablet at the beginning of the minor's shift. For more information on regulations regarding minors, the [Michigan Department of Labor and Economic Opportunity](#) has a [handout](#) with more information.



November 2022

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Central Office Corner

Important Information Regarding Changes to Juvenile Fingerprinting Process

It is required that a Michigan Photo ID Waiver for Minors form be completed and signed by a parent or guardian for juveniles who must be fingerprinted under the background check program who **do not** have a government issued photo identification. **The form must be signed by the parent or guardian at the fingerprinting appointment at the time of fingerprinting.** The Michigan Photo ID Waiver for Minors form is available on the Child Care Background Check homepage under the Forms and Resources tab.

Please utilize this form if the minor child care staff member does not have a government issued photo identification: [MI Waiver for Minors_v1 \(2\).pdf](#)

CHILD CARE LICENSING UPDATES

MI Tri-Share Program

Child Care Licensing Bureau would like to share information about the innovative MI Tri-Share program.

MI Tri-Share is a program that was introduced by Governor Gretchen Whitmer to help address one of the biggest barriers for people wanting to rejoin the workforce – the cost of child care.

Through MI Tri-Share, the cost of an employee's child care is shared equally among the employer, the employee, and State of Michigan. The coordination of the program is provided regionally by a Tri-Share facilitator hub.

The program exists in 11 regions and 59 counties and continues to grow as more employers and employees are enrolling in the program.

Benefit for Child Care Providers

- The payment for child care is made directly to the provider through the Tri-Share facilitator hub.
- Business is stabilized through consistent payments.
- MI Tri-Share hub helps providers find new customers.

Benefits for Employers

- May help reduce absenteeism.
- Can be offered as a new, highly desirable benefit that improves recruitment and retention.
- Removes a significant barrier for the employees.
- Provides financial relief for employees by reducing out-of-pocket costs for child care.

(Continued...)



Highlighted Rule of the Month – Minor Child Care Staff Members

Home Rules

R400.1904a(1)

Child care staff member; employment requirements.

- (1) An individual who is employed as a child care staff member in a child care home shall be 18 years of age or older, pursuant to section 1 of the act, MCL 722.111.

The definition of child care staff member changed to 16 in MCL 722.111 on 06/23/2022.

The change in definition of a child care staff member to 16 means that 16 and 17 year old child care staff members must have the following requirements :

R400.1904a

Child care staff member; employment requirements.

- (2) Before caring for children at a child care home, an individual shall provide the licensee with all of the following:

- (a) A valid certification in infant, child, and adult CPR.

- (b) A valid certification in first aid.

- (c) Proof of training in the prevention of infectious disease, including immunizations. Hours of training in the prevention of infectious disease from MiRegistry will be allowed to count for training hours to meet this requirement.

- (3) Prior to contact with children, the individual shall be determined by the department to be eligible to serve as a child care staff member, pursuant to section 5n of the act, MCL 722.115n, and as required by R 400.1925.

- (4) A child care staff member shall conduct himself or herself in a manner that is conducive to the welfare of children and be able to meet the needs of children and provide for their care, supervision, and protection.

Technical Assistance

Anyone providing care in any circumstance MUST meet this requirement and all other requirements of a child care staff member.

MCL 722.112a, (1) A child caring institution, foster family home, foster family group home, child care center, group child care home, and family child care home shall have individuals present, as prescribed in the appropriate administrative rules, who have current certification in first aid and cardiopulmonary resuscitation obtained through the American Red

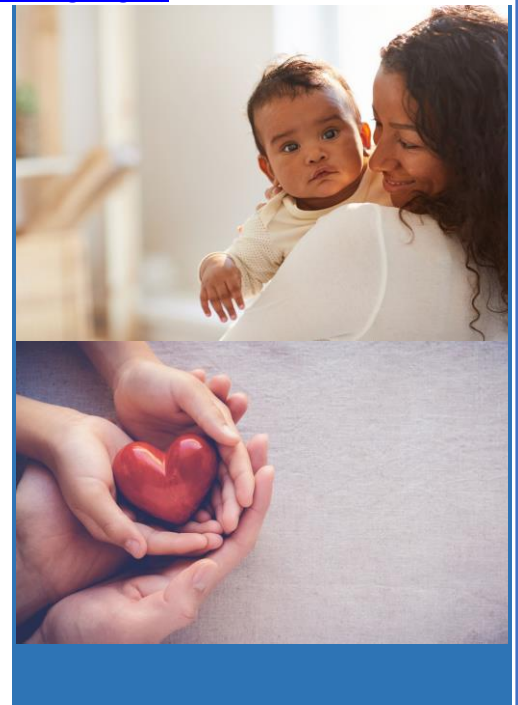
CHILD CARE LICENSING UPDATES (CONTINUED)

- Can help improve employee work-life-family balance.
- The employer decides how many child care slots should be offered to employees.
- The employer sets a maximum dollar amount investment and parameters.
- The employee contribution may be collected through payroll deduction.
- Tri-Share facilitator hubs assist the business and provide regional coordination.
- May help attract talent.
- May help retain talent.
- Makes a positive difference in your employees' lives

Benefits for Employees

- Employees know their children are in good care while they are at work; that they have the opportunity to succeed from day one.
- Helps employees find licensed child care providers.
- Improves employee work-life-family balance.
- Helps employees pursue a career.

More information about the Tri-Share program can be found here: [MI Tri-Share \(michigan.gov\)](https://mi.tri-share.org)



Cross, the American Heart Association, or an equivalent organization or institution approved by the department.

First aid/CPR certification must be received from a person certified as a Red Cross instructor or certified by another organization approved by the department. See the department's website (www.michigan.gov/michildcare-training) for the current list of approved organizations.

An in-person skills test must be completed if CPR and first aid training is completed online. The online training and the in-person skills test must be administered by one of the approved organizations. Documentation of completion of both the online portion and in-person skills test must be maintained.

Verification of CPR/First Aid Training

A receipt of payment for the session is not verification of certification attendance or participation. Copies of both sides of the card, final certificate, a statement on agency letterhead, or the e-Card are acceptable verification of CPR/first aid certification.

The statement on agency letterhead must be issued from the training organization or trainer and include the date of the course, the name of the training organization or trainer and the topic covered.

The change in definition of a child care staff member to 16 means that 16 and 17 year old child care staff members may give medication, prescription or nonprescription:

R400.1918(1) Medication; administration; procedures.

(1) Medication, prescription or nonprescription, must be given to a child in care by a licensee or a child care staff member only. A child care assistant shall not give medication to a child in care.

Technical Assistance

This rule does not require licensees or child care staff members to dispense medication. The licensee may apply for a variance to allow school-age children, with parental permission, to self-administer medications such as an inhaler or diabetic shots. The variance request must indicate that the licensee or a child care staff member will supervise the self-administration of the medication and will complete documentation required under R 400.1918(7). You can find the technical assistance for child care homes [here](#).

Center Rules

The definition of child care staff member in Public Act 116 changed on 06/23/2022 to the following:

(a) "Child care staff member" means an individual who is **16 years** of age or older to whom 1 or more of the following apply:

(i) The individual is employed by a child care center, group child care home, or family child care home for compensation, including a contract employee or a self-employed individual.

(ii) An individual whose activities involve the unsupervised care or supervision of children for a child care center, group child care home, or family child care home.

(iii) An individual who has unsupervised access to children who are cared for or supervised by a child care center, group child care home, or family child care home.

(iv) An individual who acts in the role of a licensee designee or program.

Staff members who are 16 and 17 must also be in compliance with all rules required for child care staff members.



MINOR CHILD CARE STAFF MEMBERS

Child care staff members are some of our children's first teachers. They play an important role in early childhood education. Child care staff members help nurture children's exploration and development while providing a safe learning environment.

A child care staff member was previously defined as an individual who is 18 years of age or older. On June 23, 2022, the definition of "child care staff member" was modified to include 16- and 17-year-olds. A child care staff member is defined as an individual who is 16 years of age or older to whom 1 or more of the following apply:

The individual is employed by a child care center, group child care home, or family child care home for compensation, including a contract employee or a self-employed individual.

An individual whose activities involve the unsupervised care or supervision of children for a child care center, group child care home, or family child care home.

An individual who has unsupervised access to children who are cared for or supervised by a child care center, group child care home, or family child care home.

An individual who acts in the role of a licensee designee or program director. MCL 722.111(a).

Although the definition of a child care staff member has changed, the responsibilities and requirements did not. All child care staff members are required to provide appropriate care and supervision of children at all times, and act in a manner that is conducive to the welfare of children. They are required to complete comprehensive background checks, obtain verification of tuberculosis status, and complete all the professional development requirements.

Please note that the 16- and 17-year-old child care staff members must be supervised at all times per the Youth Employment Standards Act.

Child care providers are reminded to review CCLB's current rule set identifying the elements that address supervision and age requirements that must be considered for facilities that have child care staff members under the age of 18. All rules must be followed and will be assessed during annual inspections or any investigations. Below is a brief summary of some applicable rules that directly address age requirements that facilities hiring child care staff members should consider:

Child Care Center Rules
R400.8113 Program director; qualifications; responsibilities
(6) A program director shall have all of the following qualifications: (a) Be at least 21 years of age. (b) Have earned a high school diploma or general equivalency diploma (GED).
R400.8122 Lead caregiver; qualifications; responsibilities
(4) Lead caregivers shall have both of the following qualifications: (a) Be at least 19 years of age. (b) Have a high school diploma or GED.
R400.8182 Ratio and group size requirements
(1) At least 2 adults, 1 of whom is a child care staff member, shall be present at all times when at least 3 children between the ages of birth and 3 years of age are present. A second child care staff member is required when needed to comply with subrule (3) of this rule. (2) At least 2 adults, 1 of whom is a child care staff member, shall be present at all times when 7 or more children over 3 years of age are present. A second child care staff member is required when needed to comply with subrule (3) of this rule.
R400.8750 Motor vehicle operation
(1) The driver of any motor vehicle transporting children shall comply with all of the following: a) Be at least 18 years of age. b) Possess a valid operator or chauffeur's license with the appropriate endorsement as required by chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329. c) Have a personal driving record with not more than 6 active points as determined by the secretary of state. d) Have proof of valid automobile insurance and registration. e) Be familiar with the contents of the first aid kit. f) Be familiar with the operation of the fire extinguisher, if a fire extinguisher is required.
Child Care Home Rules
R 400.1902 Applicant; licensee; requirements.
(1) An applicant and a licensee shall meet all of the following requirements: a) Be 18 years of age or older. b) Have a high school diploma, general educational development (GED) certificate, or approved training track and hours for child care home providers through MiRegistry. c) Permanently reside in the child care home as a member of the household. d) Have proof of certification in both of the following: i. Infant, child, and adult cardiopulmonary resuscitation (CPR). ii. First aid. e) Have documentation of completed training in both of the following: i. Recognition and reporting of child abuse and neglect. ii. Prevention and control of infectious disease, including immunizations. f) Attend an orientation provided by the department.
R 400.1911 Care; supervision; children.
(1) A licensee shall ensure appropriate care and supervision of children at all times (5) A licensee and child care staff members shall never leave a child unattended or with a minor in a vehicle
R 400.1951 Transportation
(2) A licensee shall ensure that the driver of a vehicle transporting children is an adult, who has a valid driver's license, valid vehicle registration, and proof of current automobile insurance

Child care providers are required to be aware and apply the standards of the Youth Employment Standards Act (YESA) and Fair Labor Standards Act (FLSA) in its entirety as it applies to their business.

Youth Employment Standards Act

The [Youth Employment Standards Act](#) covers all Michigan employers who employ minors, people under 18 years old, along with the FLSA on federally covered businesses. YESA sets work permit requirements, prohibits employment in hazardous or injurious occupations, regulates hours of employment, requires meal and rest periods, mandates adult supervision, and contains posting requirements.

For purposes of child care licensing, please be aware of the following statutes identified in the Youth Employment Standards Act, PA 90.

PA 90	R 408.6207 Adult supervision of minor employees.
A minor shall not be employed subject to the act unless the employer or an employee who is 18 years of age or older provides supervision.	
YESA considers adult supervision to be an adult who is available to ensure immediate assistance in case of emergency.	
PA 90	R 408.6309 Prohibited conduct.
(1) In addition to conduct otherwise prohibited, a person who employs a minor shall not do any of the following:	
a) Allow a minor to work in a prohibited occupation, as provided in R 408.6208, R 408.6209, and the federal child labor regulations, 29 C.F.R. 570.1 et seq., if applicable.	
b) Fail to provide adult supervision as required by R 408.6207.	
c) Fail to have a work permit on file, when required by the act or these rules.	
d) Allow a minor under the age of 16 to work days or hours not allowed under section 10 of the act.	
e) Allow a minor age 16 to 17 to work days or hours not allowed under section 11 of the act without an approved deviation from the department.	
f) Fail to provide a minor with a meal or rest period, as required by section 12 of the act.	
g) Fail to satisfy the posting and time records requirements of section 13 of the act.	
(2) A person employing a minor who violates any of the provisions of subrule (1) of this rule is subject to the penalties in section 22(1) of the act.	

Examples of supervising minor child care staff members include, but are not limited to, the following:

- being immediately available to the minor child care staff member
- directly overseeing their activities
- interacting with the minor child care staff member
- being aware of the activities in which the minor child care staff member is involved
- providing regular, periodic direct supervision of the minor child care staff member

Additional information regarding hiring minor employees can be found at [LEO - Youth Employment Standards Act \(YESA\) \(michigan.gov\)](#)



CHILD CARE LICENSING BUREAU AND LICENSEE PARTNERSHIPS

Licensing consultants and licensees partner together to ensure programs and facilities meet state requirements and provide children in care a safe environment and enriching programming. There are times when the licensing consultant and licensee need to work closely together on a tough issue to create a positive outcome. MCCM will highlight one of these partnerships in each issue by sharing an interview between licensing and a licensee.

Below is an interview between licensing consultant Stacia Thrower and Shelly Duplin, licensee designee for KinderCare Education LLC. This interview highlights the collaboration between licensing and a licensee designee when transitioning child care centers to new ownership.

Sharkey, Jackie (LARA)

Shelly, when you first found out about the change in ownership, what steps did you take with licensing regarding the process?

Shelly Duplin

So it's a little bit different in that I received the district a little over a year ago, and when I became responsible for the district, I had previously only been in Ohio, so licensing rules and regulations in Michigan are very different than what they are in Ohio. So, I had to reach out to Stacia a lot, honestly, to understand licensing rules and regulations, and the process had already started prior to me starting with the district. So really it was just getting to know licensing and getting to know Stacia and asking a million questions and trying to navigate my way through it.

Sharkey, Jackie (LARA)

Stacia, what steps did you take to assist Shelly?

Thrower, Stacia (LARA)

Like Shelly said, the process had begun, I would say a year prior, when the KinderCare Corporation purchased the Rainbow Child Care facilities. We had done some collaborative work with the new corporation, just kind of got getting an understanding as to what we needed to do to change the facilities over to new ownership. When Shelly came aboard, we still needed to transition, so I would agree with her, there was a lot that we needed to discuss, so we first reached out in regards to things that were happening now and then during the process we talked about the facilities that were pending, what needed to happen with those and where we were in the process, just to kind of bring Shelly up to speed since she was new to the district.

Then during one of those conversations, we were talking about how she's primarily been in Ohio. So, the Michigan administrative rules were totally new. We kind of started at ground zero, and I was just answering questions and bringing her up to date on all the facilities. So as a learning process, along with keeping the work moving along, we talked quite a bit.

That has helped the process so that we're not getting stagnant. As Shelly was being brought up to speed, we've been able to still keep the work moving along.

Sharkey, Jackie (LARA)

That's excellent. How many facilities have you been working on together in your area?

Shelly Duplin

We have done two so far. We've done Byron and Holland and we have one more to go.

Thrower, Stacia (LARA)

Yes, it'll be a total of three that we will do together; one we've completed together, and we are finalizing one in Holland and then we have one left, which is the Walker facility.

Sharkey, Jackie (LARA)

Shelly, how have you been getting up to speed with the Michigan rules and statutes. Was this something that you have worked through together, or did Stacia point you in the right direction and then you went from there?

Shelly Duplin

A little bit of both. There was a lot of working with my center directors and learning together throughout the process and then partnering with Stacia, like I said, I think we asked a million questions and still do.

But yes, it was a little bit of me just taking the time to understand the rules, read through them, ask questions, still not 100% proficient, but I enjoy the working relationship that I have with Stacia and that at any point we can reach out and ask a question and she'll get back with us quickly and we'll figure it out together. I really have enjoyed our partnership.

We are learning together; a lot of my center directors are new, so partnering all the way through. Whether it be a complaint or a renewal, just understanding what those processes look like and what we can expect. And then once there's a conclusion, what that looks like and how we move forward to make the correction has been extremely valuable to me. Stacia also has attended some of our senior director meetings, just to review some of the trends that we see that are occurring within the district to get ahead of them and to understand exactly what we can do now to affect that outcome, has been so important. And as I said just being available for questions has been absolutely huge for me and for the directors. They also speak very highly of Stacia. They can call her at any time. Many of the center directors were intimidated at first, but once they got to know Stacia, it's an easy conversation, and they really have formed nice relationships as well.

We are learning together; a lot of my center directors are new, so partnering all the way through. Whether it be a complaint or a renewal, just understanding what those processes look like and what we can expect.

- Shelly Duplin, Licensee Designee KinderCare

Sharkey, Jackie (LARA)

Very good. Going back to the transition from the Rainbow Child Care Centers to KinderCare, did you have any issues with the process along the way?

Shelly Duplin

Yes, absolutely. It's a learning process, so once we would encounter an obstacle, we asked a lot of questions and had a lot of people involved in getting through the process.

Byron was pretty smooth, but the last one was not the smoothest and it took some time to work through some of the concerns that became apparent and to get everything in line.

Sharkey, Jackie (LARA)

Stacia, what specific issues did you have to help with?

Thrower, Stacia (LARA)

I think just the overall process because it it's a new process. Oftentimes we don't have facilities or corporations that have been operating for some time. But now they're going through an original process and like Shelly said, it was new to her. It was new to the program directors and at some level, even though I've done many originals, it was new to me.

It was a new process for us where we're changing ownership on multiple facilities and just working through things together. The one thing that I've appreciated about KinderCare as a corporation is that it was apparent that they have the same goal as licensing, if I they respect my opinion, they look for that opinion and consultation, and what I found is that, if I pointed out something that wasn't necessarily a licensing violation, but just best practice based on experience, they are very eager to correct those things because with our partnership, we have the same goal and that's to provide quality care to children. So, they are very cooperative in their approach with licensing, which was very nice. It makes working together go very well with respect of other's opinions and the understanding that we have the same goal and I've really appreciated the relationship.

With the difficulties that we ran into, and they varied, such as a failing fire. Just understanding what needs to happen with the process because many of the directors are new. So, helping them to understand the deficiencies and letting them know the next step in the process before we can finalize this. Shelly and the directors contact me directly, and I try to work very closely with Shelly so that she's in the loop on all of the facilities. I try to help her out because she's in Ohio. I help so that she doesn't feel like, OK, I need to be there and doing all these things, which would be difficult to do for one person.

Sharkey, Jackie (LARA)

It is a big transition to go from a center that is currently operating to new ownership because you want to make sure that you are still supporting the parents, and you want to make sure that the children are still being cared for and the transition is as seamless as possible, and that can be difficult. You want to make sure you have everything right, and it sounds like you are doing that.

Thrower, Stacia (LARA)

It was tough because you don't want to cause a break in service. We have these two processes; a renewal we can address deficiencies in one way, but with an original we have to have full compliance, but you have a facility that's already in operation, so working collaboratively so that families are not without care for a period of time until we can get the pieces put together. I think we've been able to do that very nicely.

With the transitions Shelley and I did together, the Byron Center, I think, went very smoothly.

Shelly Duplin

It did, yes.

Thrower, Stacia (LARA)

I really appreciate the relationship. We have a lot of new directors, but I think because of the collaboration in the relationship, I've seen a lot of growth in those directors, and I think that partnering is a big part of that. Most of them reach out to me regularly if they have questions. KinderCare is very open to that. It's not us against them with licensing. It's definitely a partnering relationship and I keep Shelly informed. She keeps me informed. It's a very open relationship that I think goes to the best interest of the families that we're serving. I've been very pleased with the relationship with Shelly and with her staff. It's just been great.

Shelly Duplin

Yes, I would definitely agree. I honestly don't know what I would have done without Stacia with converting these schools to original licenses. It's definitely been a learning process. I feel being in the industry for 22 years this was completely different for me. And so that growth, personal growth for me has been very valuable, and my directors are not afraid to pick up the phone and call her and ask her a question directly, so I feel like that relationship in itself has caused a huge growth within my center directors, and their confidence in operating centers in full compliance as well. If they have any questions, they pick up the phone and call and so that makes them a better director and in turn creates a better center and in turn offers the best quality care for all of the children within our schools.

GET TO KNOW US – QUESTION OF THE MONTH

Have you ever wondered about child care licensing staff outside of work? Get to know the staff with a fun question each month.

What was your first job?



Kortney Williams – Northwest Region

- My first job was at Donatos Pizza in Muskegon.



Lisa Gundry – Flint/Macomb Region

- I was a waitress at Ponderosa Steakhouse.



Dalerie Hughes – Southcentral Region

- My first job was a Sales Clerk at J.L. Hudson's Department Store at Northland Mall in Southfield, Michigan, when I was 18. Years later J.L. Hudson's became Macy's after a buyout.



Jessica Miranda-Bevier – Kent/Ottawa Region

- I worked at Burger King (that is also where I met my husband 😊)



Roxanne Duckworth – Southwest Region

- My very first job was working at Potter Park Zoo as a junior zookeeper. I worked mostly with the ponies, camels, and in the reptile house. We were responsible for assisting with cleaning and grooming the animals, feeding, and with pony and camel rides for children. I had an absolute blast working there!



Angela Histed – Pontiac Region

- My first job was working at the Davison Athletic Club in the nursery as a caregiver; I was 16 years old.



Tania Allard – Gaylord Region

- My first job was in child care. I was an in-home babysitter full time in the summer when I was not in school. I would drive to the home and stay with the little boy who lived there while his parents worked. I was paid weekly in cash and everyone was happy. In-home care providers work hard.

